



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4012

Introduced 1/14/2004, by Paul D. Froehlich, John J. Millner,
Jim Sacia

SYNOPSIS AS INTRODUCED:

New Act

Creates the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act. Provides that the Department of State Police may establish an automated traffic control system for obtaining a photograph or other recorded image of any vehicle violating a traffic law in a construction or maintenance zone established by the Department of Transportation or the Illinois State Toll Highway Authority. Establishes procedures for enforcing penalties on the basis of violations recorded by an automated traffic control system. Provides that the Department of State Police must conduct a public information campaign with regard to the use of these systems before the systems may be used. Provides that the Department of State Police shall adopt rules for conducting the public information campaign.

LRB093 15255 DRH 40853 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Automated Traffic Control Systems in Highway Construction or
6 Maintenance Zones Act.

7 Section 5. Purpose. The purpose of this Act is to increase
8 safety in highway construction or maintenance zones.

9 Section 10. Establishment of automated control systems.
10 The Department of State Police may establish an automated
11 traffic control system in any construction or maintenance zone
12 established by the Department of Transportation or the Illinois
13 State Toll Highway Authority.

14 Section 15. Definitions. As used in this Act:

15 (a) "Automated traffic control system" means a
16 photographic device, radar device, laser device, or other
17 electrical or mechanical device or devices designed to record
18 the speed of a vehicle and obtain a clear photograph or other
19 recorded image of the vehicle and the vehicle's registration
20 plate while the driver is violating traffic laws in the State
21 of Illinois. The photograph or other recorded image must also
22 display the time, date, and location of the violation. A law
23 enforcement officer is not required to be present or to witness
24 the violation.

25 (b) "Construction or maintenance zone" means an area in
26 which the Department of Transportation or the Illinois State
27 Toll Highway Authority has determined that the preexisting
28 established speed limit through a highway construction or
29 maintenance project is greater than is reasonable or safe with
30 respect to the conditions expected to exist in the construction

1 or maintenance zone and has posted a lower speed limit with a
2 highway construction or maintenance zone special speed limit
3 sign in accordance with Section 11-605 of the Illinois Vehicle
4 Code.

5 (c) "Owner" means the person or entity to whom the vehicle
6 is registered.

7 Section 20. Penalties. The penalties for and consequences
8 of a traffic violation recorded by an automated traffic control
9 system are the same as for any similar violation of the
10 Illinois Vehicle Code.

11 Section 25. Limitations on the use of automated traffic
12 enforcement systems.

13 (a) The Department of State Police must conduct a public
14 information campaign to inform drivers about the use of
15 automated traffic control systems in highway construction or
16 maintenance zones before establishing any of those systems. The
17 Department of State Police shall adopt rules for implementing
18 this subsection (a).

19 (b) Signs indicating that speeds are enforced by automated
20 traffic control systems must be clearly posted in the areas
21 where the systems are in use.

22 (c) Operation of automated traffic control systems is
23 limited to areas where road construction or maintenance is
24 occurring.

25 (d) Photographs obtained in this manner may only be used as
26 evidence in relation to the offense for which the photograph is
27 taken. The photographs are available only to the owner of the
28 vehicle, the offender and the offender's attorney, the
29 judiciary, the local State's Attorney, and law enforcement
30 officials.

31 (e) If the driver of the vehicle cannot be identified
32 through the photograph, the owner is not liable for the fine,
33 and the citation may not be counted against the driving record
34 of the owner. If the driver can be identified, the owner is

1 liable for the fine, and the violation is counted against his
2 or her driving record.

3 Section 30. Requirements for issuance of a citation.

4 (a) The vehicle, vehicle registration plate, speed, date,
5 time, and location must be clearly visible on the photograph or
6 other recorded image of the alleged violation.

7 (b) A Uniform Traffic Citation must be mailed or otherwise
8 delivered to the registered owner of the vehicle. If mailed,
9 the citation must be sent via certified mail within 6 business
10 days of the alleged violation, return receipt requested.

11 (c) The Uniform Traffic Citation must include:

12 (1) the name and address of the vehicle owner;

13 (2) the registration number of the vehicle;

14 (3) the offense charged;

15 (4) the time, date, and location of the violation;

16 (5) the first available court date; and

17 (6) notice that the basis of the citation is the
18 photograph or recorded image from the automated traffic
19 control system.

20 (d) The Uniform Traffic Citation issued to the violator
21 must be accompanied by a written document that lists the
22 violator's rights and obligations and explains how the violator
23 can elect to proceed by either paying the fine or challenging
24 the issuance of the Uniform Traffic Citation.

25 Section 35. Response to issuance of a citation.

26 (a) A person issued a citation under this Act may respond
27 to the citation in person or by any method allowed by law.

28 (b) If the registered owner responds within 30 days and
29 submits proof that the driver of the vehicle was not a family
30 member or did not have the registered owner's permission to use
31 the vehicle, the citation may be dismissed at the discretion of
32 the State's Attorney.

33 Section 40. Admissibility of recorded images. Except as

1 provided in Section 45, any photograph or other recorded image
2 evidencing a violation is admissible in any proceeding
3 resulting from the issuance of the Uniform Traffic Citation.
4 Photographs or recorded images made by an automatic traffic
5 control system are confidential and shall be made available
6 only to the defendant and to governmental or law enforcement
7 agencies within the jurisdiction for the purposes of
8 adjudicating a driving violation.

9 Section 45. Vehicle rental or leasing company's
10 identification of a renter or lessee.

11 (a) A Uniform Traffic Citation issued under this Act to a
12 motor vehicle rental or leasing company shall be dismissed with
13 respect to the rental or leasing company if:

14 (1) the company responds to the Uniform Traffic
15 Citation by submitting, within 30 days of the mailing of
16 the citation, an affidavit of non-liability stating that,
17 at the time of the alleged speeding or other traffic
18 violation, the vehicle was in the custody and control of a
19 renter or lessee under the terms of a rental agreement or
20 lease; and

21 (2) the company provides the driver's license number,
22 name, and address of the renter or lessee.

23 (b) A Uniform Traffic Citation dismissed with respect to a
24 motor vehicle rental or leasing company in accordance with
25 subsection (a) may then be issued and delivered by mail or
26 other means to the renter or lessee identified in the affidavit
27 of non-liability.